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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	. CONFIRMATION NO.	
10/573,952	07/24/2008 Fabienne Radermacher		31223-00117 (F-886 US)	1753	
25264 FINA TECHNO	7590 06/23/201 DLOGY INC	EXAMINER			
PO BOX 67441	2	MIGGINS, MICHAEL C			
HOUSTON, TX	X //20/-4412		ART UNIT	PAPER NUMBER	
			1782		
			MAIL DATE	DELIVERY MODE	
			06/23/2010	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summany		Application No.	Applicant(s)					
		10/573,952	RADERMACHER, FABIENNE					
Office Action Summary			Examiner	Art Unit				
			Michael C. Miggins	1782				
Period fo	The MAILING DATE of this commun or Reply	ication appe	ars on the cover sheet with the c	orrespondence ac	ddress			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1) 又	Responsive to communication(s) file	nd on 30 An	il 2010					
-	Responsive to communication(s) filed on <u>30 April 2010</u> . This action is FINAL . 2b) This action is non-final.							
3)		<i>,</i> —		secution as to the	e merits is			
<u>ا</u>	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims							
4)⊠	Claim(s) <u>8-27</u> is/are pending in the a	pplication.						
	4a) Of the above claim(s) <u>8-21</u> is/are withdrawn from consideration.							
	5) Claim(s) is/are allowed.							
6)🖂	6)⊠ Claim(s) <u>22-27</u> is/are rejected.							
-	Claim(s) are subject to restric	tion and/or	election requirement.					
Applicati	on Papers							
9)	The specification is objected to by the	e Examiner.						
•	The drawing(s) filed on <u>30 March 200</u>			by the Examine	r.			
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
	Replacement drawing sheet(s) including	the correctio	n is required if the drawing(s) is ob	ected to. See 37 C	FR 1.121(d).			
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority ι	ınder 35 U.S.C. § 119							
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of:								
	1. Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No							
	3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
Attachmen								
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (P	TO 0491	4) ∭ Interview Summary Paper No(s)/Mail Da					
3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application								
Paper No(s)/Mail Date 6) Other:								

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DETAILED ACTION

REJECTIONS WITHDRAWN

1. There are no rejections withdrawn.

REJECTIONS REPEATED

2. The 103 rejection set forth in the non-final rejection of 2/2/10 is repeated for the reasons of record. Applicant has amended claim 22 to recite a single polymer consisting essentially of. Honda discloses a single polymer (column 1, line 65 through column 2, line 9) and Williams discloses a single polymer (column 5, lines 28-49). For the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, absent a clear indication in the specification or claims of what the basic and novel characteristics actually are, "consisting essentially of" will be construed as equivalent to "comprising." See, e.g., PPG, 156 F.3d at 1355, 48USPQ2d at 1355 ("PPG could have defined the scope of the phrase consisting essentially of for purposes of its patent by making clear in its specification what it regarded as constituting a material change in the basic and novel characteristics of the invention."). See also In re Janakirama-Rao, 317 F.2d 951, 954, 137 USPQ 893, 895-96 (CCPA 1963). When an applicant contends that additional steps or materials in the prior art are excluded by the recitation of "consisting essentially of," applicant has the burden of showing that the introduction of additional steps or components would materially change the characteristics of applicant's invention. In re De Lajarte, 337 F.2d 870, 143 USPQ 256 (CCPA 1964)

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NEW REJECTIONS

3. There are no new rejections.

ANSWERS TO APPLICANT'S ARGUMENTS

4. Applicants arguments of 4/30/10 have been carefully considered but are deemed unpersuasive.

Applicant argues that articles formed from processes other than blow molding would necessarily be different and have different properties from the instant invention. However, applicant has not stated what those properties are nor has applicant claimed the properties. If blow molding provides structural differences from Honda than those structural differences should be claimed.

Applicant argues that neither Honda nor Williams disclose a single polymer.

However, Honda discloses a single polymer (column 1, line 65 through column 2, line 9) and Williams discloses a single polymer (column 5, lines 28-49).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C. Miggins/ Primary Examiner, Art Unit 1782

MCM June 21, 2010